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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,613	10/18/2005	Noritaka Kusumoto	MAT-8702US	1982
23122	7590	06/02/2010		
RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482			EXAMINER LUONG, ALAN H	
			ART UNIT 2427	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/553,613	<b>Applicant(s)</b> KUSUMOTO, NORITAKA	
	<b>Examiner</b> ALAN LUONG	<b>Art Unit</b> 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 February, 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 4 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 9-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Feb.12, 2010, has been entered.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1, 4, 9-12 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 4** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. **2004/0003395 A1** by **Srinivas et al.** , in view of **US Patent 5936611** to **Yoshida**

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**Regarding to claims 1:** Fig. 1 of Srinivas illustrates **a picture receiver (i.e. a set-top box [100] includes the display 112 is preferably a television having both a main display 113 and a picture-in-picture 114 (PIP) display) (Srinivas, ¶0027), comprising:** The set-top box [100] includes a receiver [102] for receiving program content, such as video movies, broadcast video programming and **a program information accumulating unit (i.e. a memory [110]) for accumulating program information about programming available for the picture receiver to receive; (Srinivas, ¶0025-¶0026),**

The set-top box [100] is connected to **a viewing information obtaining unit (i.e. A display [112]) for obtaining viewing information about programming which the picture receiver has received; (Srinivas, ¶0027),**

The set-top box [100] further includes **a program recommending unit (i.e. a recommender) for: 1) selecting program that from among programs available to be received as a recommended program (i.e. the recommendation score is higher than a predetermined threshold will be of interest to the viewer and merit indicating such to the viewer), based on the obtained viewing information and the accumulated program information; (i.e. the recommendation score indicating a likelihood that a particular viewer will approve of the received program content); (Srinivas, ¶0026-¶0028), and 2) determining whether the recommended program is a currently viewed program (i.e. the recommendation score is compared to the predetermined threshold, if the**

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calculated recommendation score exceeds the predetermined threshold; an indication of the received program content is displayed to the viewer in many ways. For instance, the first indication may be a flashing LED, the second may be the flashing LED with an audio beep, the third may be a textual message on the PIP 114 and the fourth may be showing the actual program content on the PIP 114) **(Srinivas, ¶0029-¶0030)**

The set-top box [100] is connected to **a picture displaying unit (i.e. A display [112]** including a main display 113 and a picture-in-picture 114 (PIP) display as shown in Fig. 2a) **for automatically displaying the recommended program (i.e. the received program content has the calculated recommendation score is higher than a predetermined threshold to be displayed in PIP [114]) and the currently viewed program (i.e. the current received program content is displayed in a main display [113]) simultaneously, responsive to the program recommending unit, only when the program recommending unit determines that the recommended program is other than the currently viewed program,** (i.e. determined whether the calculated recommendation score is higher than a predetermined threshold which should be set such that any program content received which exceeds such threshold will be of interest to the viewer and merit indicating such to the viewer); **(Srinivas, ¶0027-¶0030)**

However, Srinivas fails to disclose “*the picture displaying unit displays **a remote controller operation guide** simultaneously with the recommended program and currently viewed program*”

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In an analogous art directed toward a similar problem namely improving the results from *“the picture displaying unit displays a remote controller operation guide simultaneously with the recommended program and currently viewed program”*. Fig. 7, 8 of Yoshida illustrate the image of the body and the keypad similar to those of the remote control hand unit 10 of Fig. 2, as **a remote controller operation guide** may be displayed in the picture displaying unit. The image of keypad may reflect the button arrangement of the actual remote control unit 10 where displayed simultaneously in **the picture displaying unit**.(Yoshida, Fig. 2, col. 6 line 4 to col. 7 line 38). Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention was made to modify **the picture displaying unit** for displaying the recommended program of Srinivas including a remote controller operation guide as taught by Yoshida in order to provide user misplaces or loses the manual, he/she could control or operate an apparatus he/she wants to use. **(Yoshida, col. 1 lines 44-48)**.

**Regarding to claim 4:** cites a program recommending method, merely repeats the same limitations of **a picture receiver in** claim 1; therefore, claim 4 is rejected for the same reasons as discussed in claim 1

1. **Claims 9 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over **US Pub. 2004/0003395 A1** by **Srinivas** et al. , and **US Patent 5936611** to **Yoshida** , in view of **US Pub.2008/0184293** by **Yuen et al.**

**Regarding to claims 9:** The picture receiver of claim 1, where Fig. 7, 8 of Yoshida illustrate the image of the body and the keypad similar to those of the remote control hand unit 10 of Fig. 2, as **a remote controller operation guide**. Additionally,

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Yoshida discloses **the remote controller operation guide includes a first information** (i.e. information key) **and a second information** (i.e. one of multiple functional descriptions of keys on the remote control as is illustrated on Table-1) **about the remote controller, the first information indicates a first key of the remote controller** (i.e. key [41]), **the second information indicates a second key of the remote controller** (i.e. TV/Video key); (Yoshida, col. 6 lines 14-65)

However, Srinivas and Yoshida fail to disclose **when the first key is pressed, the recommended program is displayed and the currently viewed program is not displayed and when the second key is pressed, the currently viewed program is displayed and the recommended program is not displayed.**

In an analogous art directed toward a similar problem namely improving the results from **when the first key is pressed, the recommended program is displayed and the currently viewed program is not displayed, and when the second key is pressed, the currently viewed program is displayed in full screen and the recommended program is not displayed.** Yuen discloses a remote control functional key pad of remote control [26] as displayed in Fig. 2 (¶0024); **when the first key** (i.e. *GUIDE/TV key [28]*) **is pressed, PIP chip turn ON, the recommended program** (i.e. *highlighted EPG channel [60]*) **is displayed** on PIP window [50] of display [24], i.e. ABC channel 7 as illustrated in Fig. 3) **and the currently viewed program** (i.e. *previous PBS channel 28 is displayed in full screen when GUIDE/TV key is not pressed and EPG information are displayed on listing area [58]*) **is not displayed on TV screen window of display [24].** (Yuen, ¶0028-¶0029)

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**when the second key is pressed** (*i.e. PIP key [63] is pressed while GUIDE/ TV key operated, PIP chip turn off is well-known in the art*), **the currently viewed program is displayed** in full screen (*i.e. program source is Tuner [12] is selected by switch [14]*) **and the recommended program is not displayed** as illustrated in Fig. 12A-12B.

(Yuen, ¶0037). Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention was made to modify **a remote controller operation guide of Yoshida on the picture displaying unit for displaying** the recommended program of Srinivas including the functional key pads as taught by Yuen to provide a viewer with the capability to control which program is displayed in the PIP window in the guide mode in the same manner the viewer would in the normal television viewing mode. This includes switching between tuned channels or between the outputs of the tuner and the VCR. (Yuen, ¶0006)

**Regarding to claims 11:** The program recommending method of claim 4, merely repeats the same limitations of claim 9; therefore, claim 11 is rejected on the same reason as discussed in claim 9.

2. **Claims 10 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Srinivas et al.**; **Yoshida** and **Yuen**, further in view of US Pub.2002/0129362 by **Chang et al.**

**Regarding to claims 10:** The picture receiver of claim 9, Srinivas, Yoshida and Yuen teach wherein the picture displaying unit shifts a mode from a two-picture display wherein the recommended program and the currently viewed program are displayed to a one-picture display of the currently viewed program when the first key or the second



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key is pressed. However, Srinivas, Yoshida and Yuen are missing when either the first key or the second key is not pressed for a predetermined time, the picture displaying unit shifts a mode from a two-picture display wherein the recommended program and the currently viewed program are displayed to a one-picture display of the currently viewed program.

In an analogous art directed toward a similar problem namely improving the results from when either the first key or the second key is not pressed for a predetermined time the picture displaying unit shifts a mode from a two-picture display to a one-picture display. Fig. 5 of Chang illustrates a dynamic commercial selection procedure in accordance with the invention which allows the user to select between commercials during a commercial time slot, without changing the television channel. Main commercial 602 plays with corresponding audio, whereas alternative commercials 604, 606 superimposed in smaller windows (PIP) with the main commercial play without sound as shown in Fig. 6, the selected commercial is displayed on the entire screen; the PIP windows may be caused to disappear for a predetermined time. The system can also be designed such that if no PIP window is selected within a predetermined time, such as 10 seconds, the PIP windows disappear. **(Chang, ¶0057; ¶0058)** meets the limitation of **when either the first key or the second key is not pressed for a predetermined time the picture displaying unit shifts a mode from a two-picture display to a one-picture display**. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention was made to modify *the picture displaying unit for displaying* the recommended program of Srinivas **and a remote**

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**controller operation guide of** Yoshida with the functional key pads as taught by Yuen including automatic shift mode as taught by Chang in order to allow the selected commercial is played during the detected commercial slot as a substitute for the commercial broadcast on the television channel.(Abstract)

**Regarding to claims 12:** merely repeats the same limitation of claim 10, claim 12 is rejected on the same ground as discussed in claim 10 by combination of Srinivas ,Yoshida, Yuen and Chang.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ALAN LUONG/  
Examiner, Art Unit 2427

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2427